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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF :

TAKATOSHI NISHIZAWA, ET AL. : EXAMINER: VO, H.

SERIAL NO: 10/067,901 :

FILED: DEBRUARY 8, 2002 : GROUP ART UNIT: 1771

FOR: STRETCHED FILM OF VOID-
CONTAINING THERMOPLASTIC
RESIN AND PROCESS FOR
PRODUCING THE SAME

DECLARATION UNDER 37 CFR 1.132

HONORABLE COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

Sir:

I, Takatoshi NISHIZAWA, a Japanese citizen, having a post office address of c/o Yupo Corporation, Kashima Factory 23, Tbuwada, Kamisu-cho, Kashima-gun, Ibaraki, Japan, hereby declare and state that I received a Master's Degree from Tokyo University of Science, Graduate School of Science, Course of Chemistry in March of 1990, and I was employed by Mitsubishi Petrochemical Co., Ltd. in April of 1990. I was attached to Research and Development Laboratory of Oji-Yuka Synthetic Paper Co., Ltd. (Yupo Corporation at present) in June of 1990 and since that time I have been principally engaged in research and development of synthetic papers. My present position is a Senior Research Associate in Research and Development Laboratory.

I declare further that I am one of the inventors of the subject matter of the claims in the above-identified application and I have read all of the

documents contained in the file wrapper of the above-entitled application.

I declare further that the test described below was conducted at my direction and under my supervision and the test results are true and correct to the best of my knowledge.

(1) Preparation of Samples

A stretched resin film consisting of four layers with 100 μm thick (Sample 1) was prepared by the method disclosed in Example 1 of Nishizawa et al, WO 00/22601. The method includes corona discharge treatment with 70 W·min/m².

A stretched resin film consisting of five layers with 130 μm thick (Sample 2) was prepared by the method disclosed in Example 1 of EP 0947544. The method includes corona discharge treatment with 100 W·min/m² twice.

A stretched resin film consisting of three layers with 80 μm thick (Sample 3) was prepared with reference to the method disclosed in Example 1 of Lin, U.S. Patent No. 5,552,011. Lin generally describes that the corona discharge was conducted with a power of 20-120 kW but the particular power applied in Example 1 is not disclosed. When the applied power in the corona discharge decreases, charge potential of the treated film surface decreases. I therefore conducted the corona discharge with a power of 20 kW to prepare Sample 3.

(2) Evaluation

Charge potential of each treated film surface was measured in accordance with the method disclosed in the specification of the present

application.

Samples 1-3 was cut to obtain a sheet of 636mm x 470mm and a thousand sheets were stacked and stored at 25°C with 50% RH for a month. After the storage, charge potential of each film surface was measured.

Results are shown in the following table:

| | Charge potential of film surface (kV) | |
|--|---------------------------------------|---------------|
| | Before storage | After storage |
| Sample 1 (Nishizawa et al, WO 00/22601) | 50 | 50 |
| Sample 2 (EP 0947544) | 70 | 70 |
| Sample 3 (Lin, U.S. Patent No. 5,552,011) | 25 | 25 |

(3) Discussion

The test results show that Samples 1-3 do not meet the claimed charge potential (-10 to 10 kV). The test results also show that the charge potential does not change during storage. The films without corona discharge treatment do not meet the claimed charge potential.

Since the cited references merely mention corona discharge and do not disclose any other process for controlling charge potential, it is clear that the references do not suggest any way to produce the claimed film having a charge potential of -10 to 10 kV. Even had one skilled in the art refers to the cited references in combination before the claimed invention was made,

he would not have produced the claimed film and evaluated its effects. I trust that the claimed invention is patentable over the cited references.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated this day of 2006.

DRAFT

Takatoshi NISHIZAWA